



CALIFORNIA FARM BUREAU FEDERATION

GOVERNMENTAL AFFAIRS DIVISION

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VIA EMAIL: CEQA.Guidelines@resources.ca.gov

October 12, 2015

Mr. Christopher Calfee
Senior Counsel
Governor's Office of Planning and Research
1400 Tenth Street
Sacramento, California 95814

Dear Mr. Calfee:

RE: Proposed Update to the CEQA Guidelines

The California Farm Bureau Federation (Farm Bureau) appreciates the opportunity to submit comments on the Preliminary Discussion Draft of the proposed update of the CEQA Guidelines (Guidelines). Farm Bureau is a non-governmental, non-profit, voluntary membership California corporation whose purpose is to protect and promote agricultural interests throughout the state of California and to find solutions to problems of the farm, farm home, and rural community. Farm Bureau is California's largest farm organization, comprised of 53 county Farm Bureaus currently representing more than 57,000 agricultural, associate, and collegiate members in 56 counties. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California resources.

In considering our comments, please reflect on the following facts:

- California is the nation's leader in food production and contributes significantly to both national and global food security. California agricultural production depends on soil, water, and climate conditions found in one of only five Mediterranean growing regions on Earth.
- California agriculture is also uniquely positioned to provide climate benefits by reducing greenhouse gas emissions. Research funded by the State Energy Resources Conservation and Development Commission's Public Interest Energy Research program found that an acre of irrigated cropland emits 70 times fewer greenhouse gas emissions than an acre of urban land.
- California's growing population places additional demands on both our food supply and on the development of agricultural land for nonagricultural purposes. An average of approximately 30,000 acres of California agricultural land is permanently converted to nonagricultural uses every year.

- The preservation of a maximum amount of the limited supply of agricultural land is necessary for conservation of the state's natural resources, the maintenance of the agricultural economy of the state, and the assurance of an adequate, healthy, and nutritious food supply for the residents of this state and nation.
- California's statewide land use planning priorities include the goal of protecting, preserving, and enhancing the state's most valuable natural resources, including working landscapes such as farm, range, and forest lands.
- Through the California Land Conservation Act of 1965 (popularly known as the Williamson Act), California has provided legal and financial incentives for farmers and ranchers to keep land in agricultural production, thereby discouraging the premature and unnecessary conversion of agricultural land to urban uses and discouraging discontinuous urban development patterns that unnecessarily increase the costs of community services.
- Since 1998, California has invested in the protection of agricultural lands near urban areas through the California Farmland Conservancy Program Act (Division 10.2 (commencing with Section 10200)) recognizing that conservation of these lands is necessary due to increasing development pressures and the effects of urbanization on farmland close to cities.
- CEQA requires the analysis and adoption of feasible mitigation for projects with significant effects on agricultural resources. Despite this requirement, lead agencies do not consistently require feasible mitigation for agricultural land conversion impacts. The conversion of agricultural land to nonagricultural uses without appropriate mitigation negatively affects California's economic development, natural resources, social and economic equity, and environmental quality.

Farm Bureau believes that the Guidelines should be strengthened so that adverse impacts on agricultural resources are mitigated below a level of significance. Agricultural resources include agricultural land and its watershed, as well as surface and ground water resources used for agricultural production. We believe the Guidelines should implement the CEQA's intent that lead agencies should impose all feasible mitigation for significant agricultural impacts from development projects, and that permanent protection of replacement agricultural land through permanent agricultural conservation easements is an appropriate means of such mitigation.

We have long supported requiring local agencies to adopt a threshold at which the conversion or loss of agricultural resources to non-agricultural uses becomes a significant environmental impact. While we concur with the clarifying additions on page 15 (§ 15064) as well as on pages 18 and 19 (§ 15064.7) of the Guidelines regarding the proper use of thresholds of significance, we strongly disagree with striking the reference to the California Agricultural Land Evaluation and Site Assessment (LESA) Model. The LESA Model has been very useful to numerous jurisdictions in their efforts to establish thresholds of significance and its inclusion in Appendix G is required by law in Public Resources Code § 21095. We strongly urge you to reconsider striking the permissive use of LESAs on page 51 and incorporate their reference in the proposed amendments to the

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Environmental Checklist Form under the new category Open Space, Managed Resources and Working Landscapes.

Regarding the reorganization and consolidation of questions relating to agriculture and forestry; geology and soils; mineral resources; and recreation in Appendix G, we support harmonizing CEQA with the Planning and Zoning Law, provided the references to “working landscapes” and LESA are maintained.

Farm Bureau also strongly supports the reference to permanent conservation easements in proposed amendments to § 15370 regarding mitigation. The court’s holding in *Masonite*, which explicitly adopted the reasoning of Farm Bureau’s amicus curiae brief, was that permanent protection of existing resources off-site is effective mitigation for a project’s impacts, whether those impacts are direct, indirect or cumulative in nature. The *Masonite* opinion, by contrast, said nothing at all about the efficacy of temporary easements for such mitigation, and we believe that any reference to temporary easements in the Guidelines would be an unwarranted expansion of the *Masonite* opinion and a serious weakening of CEQA’s mitigation requirements.

Thank you for your consideration of these comments on this very important draft document. If you have any questions regarding these comments, please do not hesitate to contact me a (916) 446-4647 or jgamper@cbbf.com.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gamper", with a stylized flourish at the end.

John Gamper
Director
Taxation and Land Use